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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

NICHOLAS WEIMER,

Plaintiff and Appellant,

v.

JPMORGAN CHASE BANK, NA,

Defendant and Respondent.

B268041

(Los Angeles County
Super. Ct. No. BC443934)

APPEAL from a judgment of the Superior Court of Los Angeles County, Malcolm H. Mackey, Judge. Dismissed.

Nicholas Weimer, in pro. per., for Plaintiff and Appellant.

Parker Ibrahim & Berg, John M. Sorich and James M. Sabovich for Defendant and Respondent.

Plaintiff, Nicholas Weimer, purports to appeal from a judgment entered in favor of defendant, JPMorgan Chase Bank, N.A., erroneously sued as EMC-CHASE. The judgment of dismissal was entered on May 2, 2013, by Judge Malcolm H. Mackey. A notice of entry of judgment was filed on June 11, 2013. A trial was later held against a codefendant, Quality Loan Service, before Judge William A. MacLaughlin. On September 29, 2015, Judge MacLaughlin filed a tentative statement of decision after the trial involving the codefendant. No judgment has been entered after the issuance of the September 29, 2015 tentative statement of decision involving plaintiff and the codefendant. The notice of appeal, filed October 26, 2015, states: “Plaintiff[,]
NICHOLAS WEIMER, hereby appeals from the judgment entered against him on September 29, 2015, in the above entitled matter. Plaintiff appeals against defendant CHASE BANK only.”

Defendant has moved to dismiss plaintiff’s appeal. We agree that we do not have jurisdiction over this purported appeal. Putting aside the notice of entry of judgment, the notice of appeal filed October 26, 2015, is untimely as to Judge Mackey’s May 2, 2013 dismissal order. (Cal. Rules of Court, rule 8.104(a)(1)(C); *Moghaddam v. Bone* (2006) 142 Cal.App.4th 283, 288; *Annette F. v. Sharon S.* (2005) 130 Cal.App.4th 1448, 1456.) Judge MacLaughlin’s September 29, 2015 tentative statement of decision is irrelevant. Defendant is not the subject of the tentative statement of decision. Further, under most circumstances, a tentative statement of decision may not be the subject of an appeal unless a final judgment has been entered. (*Alan v. American Honda Motor Co., Inc.* (2007) 40 Cal.4th 894, 901; *Kinney v. Vaccari* (1980) 27 Cal.3d 348, 357.) And, even if defendant was the subject of the tentative statement of decision, no final judgment has been entered. In the absence of a final judgment, no appeal may be taken from Judge MacLaughlin’s determinations. (Code Civ. Proc., § 904.1, subd. (a)(1); *Griset v. Fair Political Practices Com.* (2001) 25 Cal.4th 688, 697.) Thus, we have no jurisdiction over the current appeal at present.

The appeal is dismissed. Defendant, JPMorgan Chase Bank, N.A., shall recover its cost incurred on appeal from plaintiff, Nicholas Weimer.

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TURNER, P. J.

We concur:

KRIEGLER, J.

KUMAR, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.